

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PAUL L. FABER,

CV 04-645-PK¹

Plaintiff,

ORDER

v.

BOMBARDIER, INC., a foreign
corporation; BOMBARDIER
MOTOR CORPORATION, INC, a
foreign corporation;
BOMBARDIER RECREATIONAL
PRODUCTS, INC., a foreign
corporation; WEDCO MOULDED
PRODUCTS, AN UNINCORPORATED
DIVISION OF UNION CARBIDE CANADA,
INC.; and DOW CHEMICAL CANADA,
INC., a foreign corporation,

Defendants.

¹ On September 28, 2005, this case was reassigned to
Magistrate Judge Paul Papak.

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Bombardier Motor Corporation, Inc.; and Bombardier
Recreational Products, Inc. (hereinafter referred
to as Bombardier Defendants)

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Union Carbide Canada, Inc.; and Dow Chemical
Canada, Inc. (hereinafter referred to as Union
Carbide Defendants)

BROWN, Judge.

Magistrate Judge John Jelderks issued Findings and
Recommendation (#58) on July 29, 2005, in which he recommended
the Court grant Union Carbide Defendants' Motion to Dismiss
Cross-Claims against them for Lack of Jurisdiction (#26-1), deny
the Union Carbide Defendants' Motion to Dismiss Cross-Claims
against them for *forum non conveniens* (#26-2), and grant Union

Carbide Defendants' Motion to Dismiss Plaintiff's Claims (#35).

Plaintiff Paul Faber and Bombardier Defendants filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.


CONCLUSION

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#58). Accordingly, the Court **GRANTS** the Union Carbide Defendants' Motion to Dismiss Cross-Claims against them for Lack of Jurisdiction (#26-1), **DENIES** the Union Carbide Defendants' Motion to Dismiss Cross-Claims against them for *forum*

nonconveniens (#26-2), and **GRANTS** the Union Carbide Defendants' Motion to Dismiss Plaintiff's Claims (#35).

IT IS SO ORDERED.

DATED this ^{20th}~~19th~~ day of October, 2005.



ANNA J. BROWN
United States District Judge

Faber CV 04-645 F&R.10-18-05.wpd